

5697. Adulteration of canned cherries. U. S. * * * v. 60 Cases of Canned Cherries. Consent order for release of good portion and for destruction of unfit portion. (F. & D. No. 7811. I. S. No. 1421-m. S. No. E-725.)

On October 30, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 cases of canned cherries, consigned on or about October 22, 1916, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Atlantic & Pacific Tea Co., Boston, Mass., and transported from the State of Massachusetts into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted largely of swelled and leaking cans, and said cans contained a decomposed vegetable substance.

On November 14, 1916, W. W. Boyer & Co., Baltimore, Md., claimants, having consented to a decree, and it appearing to the court that certain of the goods were adulterated and part of them sound, it was ordered by the court that said claimants should be authorized and permitted to examine and assort the goods under the supervision of a representative of this department, and that the good portion should be released to said claimants upon payment of the costs of the proceedings, and that the unfit portion should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*